

# McDermott Will & Emery

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January 15, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: *In the Matter of the Development of a National Broadband Plan*, GN Docket No. 09-51;  
Notice of *Ex Parte* Presentation

Dear Ms. Dortch:

On January 14, 2010, Jimmy R. (“Rusty”) Williams, Michael Rosenthal, and Allen Bell, of Southern Company (“Southern”), and Jeffrey Sheldon of McDermott Will & Emery LLP, met with Christine Kurth of Commissioner McDowell’s office regarding the Commission’s inquiry into the development of a National Broadband Plan, and specifically in relation to Smart Grid technologies.

In this meeting, Southern highlighted some of the points raised in its written submissions in this docket. Southern described its current AMI system, and factors such as reliability, dependability, ubiquitous coverage, affordability, and security that are critical to Southern in making technology choices for command and control systems. Southern recommended that standards or policies related to Smart Grid deployment should be flexible so that the significant investments that are being made today in Smart Grid technologies are not stranded before the end of these systems’ useful lives.

Southern emphasized the need for additional spectrum allocations for utilities particularly in relation to command and control systems needed to maintain high reliability in the delivery of electric power and to minimize the interdependencies between commercial telecommunications networks and commercial power delivery systems. Southern noted that Section 309(j)(2) of the Communications Act exempts from auction any spectrum that is used for “public safety radio services,” and that the Conference Committee Report had explained that the services exempt from auction under this provision included private internal radio services used by utilities. *See* H.R. Conf. Rep. No. 105-217, 105th Cong., 1st Sess. at 572 (1997). Staff also requested Southern to provide a copy of the attached map.

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In accordance with the Commission's rules, one copy of this *ex parte* notice is being filed electronically for inclusion in the record of the above-referenced proceeding.

If you should have any questions, please do not hesitate to contact undersigned counsel for Southern Company.

Very truly yours,

/s/ Jeffrey L. Sheldon

Jeffrey L. Sheldon

cc: Christine Kurth, FCC

## America's Electric Cooperative Network

